

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:18-CR-3088

vs.

JOHN GLIDDEN,

ORDER

Defendant.

The Court has before it a request from NET News ([filing 739](#)) for a copy of an exhibit published to the jury during these ongoing trial proceedings.

It is not, however, the Court's practice to provide third parties with copies of trial evidence. The First Amendment, of course, protects the rights of the press and public to attend criminal trials. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 580 (1980). But the First Amendment grants the press no right to information about a trial superior to that of the general public.

Once beyond the confines of the courthouse, a news-gathering agency may publicize, within wide limits, what its representatives have heard and seen in the courtroom. But the line is drawn at the courthouse door; and within, a reporter's constitutional rights are no greater than those of any other member of the public.

*Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 609-10 (1978) (quoting *Estes v. Texas*, 381 U.S. 532, 589 (1965) (Harlan, J., concurring)). Copies of evidence to which the public has not had *physical* access need not be provided. *See id.* at 609; *see also* *United States v. McDougal*, 103 F.3d 651, 659 (8th Cir. 1996).

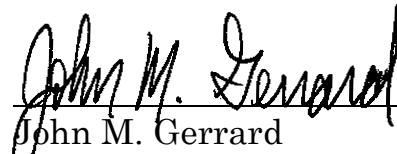
No one has been turned away from this proceeding, and everyone in the courtroom has been free to hear the evidence as it was presented and report on what was said. And as a practical matter, the Court only has one copy of the requested exhibit—and it's the copy that's been admitted into evidence and must be kept securely until provided to the jury.

The press is, of course, free to ask the United States for any materials which the government is willing to provide—and, if the Court's permission is required for the government to disseminate information that it is willing to provide, the Court would consider that request *from the government* in due course, after the case is submitted and the jury concludes in a verdict. But the request the Court has before it now ([filing 739](#)) is, respectfully, denied.

IT IS SO ORDERED.

Dated this 14th day of November, 2019.

BY THE COURT:



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John M. Gerrard  
Chief United States District Judge